

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

Civil Docket Number: _____

SAUDI ARABIA SHORT FORM
COMPLAINT AND DEMAND
FOR TRIAL BY JURY

Jack Zelmanowitz, individually, as surviving
sibling of Abraham Zelmanowitz

Jack Zelmanowitz, as the Personal Representative
of the Estate of Abraham Zelmanowitz, deceased,
and on behalf of all survivors and all legally
entitled beneficiaries and family members of
Abraham Zelmanowitz

BNY Mellon, as the Personal Representative of
the Estate of Martin Morales Zempoaltecatl,
deceased, and on behalf of all survivors and all
legally entitled beneficiaries and family members
of Martin Morales Zempoaltecatl

Julia Morales Zempoaltecatl, individually, as
surviving sibling of Martin Morales
Zempoaltecatl

Maria P.M. Zempoaltecatl Cortez, individually,
as surviving parent of Martin Morales
Zempoaltecatl

Benjamin Morales Zempoaltecatl, individually, as
surviving sibling of Martin Morales
Zempoaltecatl

Jose Morales Zempoaltecatl, individually, as
surviving sibling of Martin Morales
Zempoaltecatl

Delfino Morales Zempoaltecatl, individually, as
surviving sibling of Martin Morales
Zempoaltecatl

Eusebio Morales Zempoaltecatl, individually, as
surviving sibling of Martin Morales
Zempoaltecatl

Glafira Morales Zempoaltecatl, individually, as surviving sibling of Martin Morales Zempoaltecatl

Gonzalo Morales, individually, as surviving sibling of Martin Morales Zempoaltecatl

Debra Zeplin, individually, as surviving spouse of Marc Scott Zeplin

Debra Zeplin, as the Personal Representative of the Estate of Marc Scott Zeplin, deceased, and on behalf of all survivors and all legally entitled beneficiaries and family members of Marc Scott Zeplin

Ethan Gabriel Zeplin, individually, as surviving child of Marc Scott Zeplin

Ryan Harris Zeplin, individually, as surviving child of Marc Scott Zeplin

Daryl Gabriel, individually, as surviving child of Benilda Domingo

Jessica K. Kostaris, individually, as surviving child of Bruce Gary

Richard Gary, individually, as surviving child of Bruce Gary

Kristen C. Graf, individually, as surviving child of Edwin John Graf III

Tyler W. Graf, individually, as surviving child of Edwin J. Graf, III

Wesley J. Graf, individually, as surviving child of Edwin J. Graf, III

Andrew McMahon, individually, as surviving sibling of Robert D. McMahon

Damon McMahon, individually, as surviving sibling of Robert D. McMahon

Constance Muldowney, individually, as surviving

spouse of Richard Muldowney

Constance Muldowney, as the Personal Representative of the Estate of Richard Muldowney, deceased, and on behalf of all survivors and all legally entitled beneficiaries and family members of Richard Muldowney

John Muldowney, individually, as surviving child of Richard Muldowney

Constance Muldowney as Personal Representative of the Estate of Kathryn Muldowney, deceased, the late child of Richard Muldowney

Thomas F. Owens, individually, as surviving sibling of Peter Owens

John Owens, individually, as surviving sibling of Peter Owens

Terence Owens, individually, as surviving sibling of Peter Owens

Kevin Owens, individually, as surviving sibling of Peter Owens

Susan G. Rescorla, individually, as surviving spouse of Richard C. Rescorla

Susan G. Rescorla, as the Personal Representative of the Estate of Richard C. Rescorla, deceased, and on behalf of all survivors and all legally entitled beneficiaries and family members of Richard C. Rescorla

Trevor S. Rescorla, individually, as surviving child of Richard C. Rescorla

Kimberly J. Rescorla, individually, as surviving child of Richard C. Rescorla

Andrew Soulas, individually, as surviving child of Timothy Soulas

Christopher Soulas, individually, as surviving

child of Timothy Soulas

Matthew Soulas, individually, as surviving child
of Timothy Soulas

Timothy Soulas Jr., individually, as surviving
child of Timothy Soulas

Katherine Soulas, individually, as surviving
spouse of Timothy Soulas

Katherine Soulas, as the Personal Representative
of the Estate of Timothy Soulas, deceased, and on
behalf of all survivors and all legally entitled
beneficiaries and family members of Timothy
Soulas

Katherine Soulas, as Natural Guardian of DRS, a
minor, as surviving child of Timothy Soulas

Aaron Straub, individually, as surviving child of
Edward Straub

Plaintiffs,

-against-

Kingdom of Saudi Arabia,

Defendant.

Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Kingdom of Saudi Arabia, arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of June 10, 2018, ECF No. 2018. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of the Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463.

Upon filing this Saudi Arabia Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as

specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

VENUE

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district. Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

JURISDICTION

2. Jurisdiction is premised on the grounds set forth in the complaints specified below, and further, jurisdiction of this Saudi Arabia Short Form Complaint is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S.C. § 1605(a)(5) (non-commercial tort exception)
- ☒ 28 U.S.C. § 1605B (Justice Against Sponsors of Terrorism Act)
- ☒ 28 U.S.C. § 1330 (actions against foreign states)
- ☐ Other (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP): _____

CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint **[check only one complaint]** and the following causes of action set forth in that complaint:

- ☒ **Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463 (check all causes of action that apply)**
- ☒ COUNT I – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA).

- ☒ COUNT II – Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11th Attacks upon the United States in violation of 18 U.S.C. § 2333(a).
 - ☒ COUNT III – Committing Acts of International Terrorism in violation of 18 U.S.C. § 2333.
 - ☒ COUNT IV – Wrongful Death.
 - ☒ COUNT VI – Alien Tort Claims Act.
 - ☒ COUNT VII – Assault and Battery.
 - ☒ COUNT VIII – Conspiracy.
 - ☒ COUNT IX – Aiding and Abetting.
 - ☒ COUNT X – Intentional Infliction of Emotional Distress.
 - ☒ COUNT XII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents.
 - ☒ COUNT XIII – Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents.
 - ☒ COUNT XIV – 18 U.S.C. § 1962(a)–(d) – CIVIL RICO.
 - ☐ COUNT XV – Trespass.
 - ☒ COUNT XVI – Violations of International Law.
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IDENTIFICATION OF PLAINTIFFS

4. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Saudi Arabia Short Form Complaint, herein referred to as “Plaintiffs.”

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Saudi Arabia Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in this Saudi Arabia Short Form Complaint.

- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.
- d. For those plaintiffs with personal injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as otherwise alleged, as stated specifically in Appendix 1.
- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Saudi Arabia Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
- f. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

IDENTIFICATION OF THE DEFENDANT

5. The only Defendant named in this Saudi Arabia Short Form Complaint is the Kingdom of Saudi Arabia.

NO WAIVER OF OTHER CLAIMS

6. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.

7. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

JURY DEMAND

8. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Saudi Arabia Short Form Complaint as appropriate.

Dated: December 31, 2018

Respectfully submitted,

/s/ Jerry S. Goldman

Jerry S. Goldman

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Attorneys for Plaintiffs

APPENDIX

Each line below is deemed an allegation, incorporating the allegations, language, and references within the Saudi Arabia Short Form Complaint to which this Appendix 1 is appended and shall be referenced as Allegation 1 of Appendix 1 to the Saudi Arabia Short Form Complaint, Allegation 2 of Appendix 1 to the Saudi Arabia Short Form Complaint, etc.

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/01	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent¹	9/11 Decedent's Citizenship/ Nationality on 9/11/01	Nature of Claim (wrongful death, solatium, personal injury)²
1	Jack Zelmanowitz	NY	United States	Abraham Zelmanowitz	Sibling	United States	Solatium
2	Jack Zelmanowitz	NY	United States	Abraham Zelmanowitz	PR	United States	Solatium/ Wrongful Death
3	BNY Mellon	NY	United States	Martin Morales Zempoaltecatl	PR	United States	Solatium/ Wrongful Death
4	Julia Morales Zempoaltecatl	Mexico	Mexico	Martin Morales Zempoaltecatl	Sibling	Mexico	Solatium
5	Maria P.M. Zempoaltecatl Cortez	NY	Mexico	Martin Morales Zempoaltecatl	Parent	Mexico	Solatium
6	Benjamin Morales Zempoaltecatl	Mexico	Mexico	Martin Morales Zempoaltecatl	Sibling	Mexico	Solatium
7	Jose Morales Zempoaltecatl	NY	Mexico	Martin Morales Zempoaltecatl	Sibling	Mexico	Solatium
8	Delfino Morales Zempoaltecatl	Mexico	Mexico	Martin Morales Zempoaltecatl	Sibling	Mexico	Solatium

¹ For those identified as "PR," such claim is made as the Personal Representative of the Decedent's Estate and on behalf of all survivors and all legally entitled beneficiaries and family members of such Decedent as noted in the case caption.

² The PRs identified below are bringing solatium claims on behalf of all survivors and all legally entitled beneficiaries and family members of such Decedent as noted in the case caption.

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/01	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent¹	9/11 Decedent's Citizenship/ Nationality on 9/11/01	Nature of Claim (wrongful death, solatium, personal injury)²
9	Eusebio Morales Zempoaltecatl	NY	Mexico	Martin Morales Zempoaltecatl	Sibling	Mexico	Solatium
10	Glaflira Morales Zempoaltecatl	Mexico	Mexico	Martin Morales Zempoaltecatl	Sibling	Mexico	Solatium
11	Gonzalo Morales	NY	Mexico	Martin Morales Zempoaltecatl	Sibling	Mexico	Solatium
12	Debra Zeplin	NY	United States	Marc Scott Zeplin	Spouse	United States	Solatium
13	Debra Zeplin	NY	United States	Marc Scott Zeplin	PR	United States	Solatium/ Wrongful Death
14	Ethan Gabriel Zeplin	NY	United States	Marc Scott Zeplin	Child	United States	Solatium
15	Ryan Harris Zeplin	NY	United States	Marc Scott Zeplin	Child	United States	Solatium
16	Daryl Gabriel	NY	United States	Benilda Domingo	Child	Philippines	Solatium
17	Jessica K. Kostaris	NY	United States	Bruce Gary	Child	United States	Solatium
18	Richard Gary	NY	United States	Bruce Gary	Child	United States	Solatium
19	Kristen C. Graf	MD	United States	Edwin John Graf III	Child	United States	Solatium
20	Tyler W. Graf	CA	United States	Edwin J. Graf, III	Child	United States	Solatium
21	Wesley J. Graf	GA	United States	Edwin J. Graf, III	Child	United States	Solatium
22	Andrew McMahon	NY	United States	Robert D. McMahon	Sibling	United States	Solatium
23	Damon McMahon	NY	United States	Robert D. McMahon	Sibling	United States	Solatium
24	Constance Muldowney	NY	United States	Richard Muldowney	Spouse	United States	Solatium
25	Constance Muldowney	NY	United States	Richard Muldowney	PR	United States	Solatium/ Wrongful Death

	Plaintiff's Name (alphabetical by last name)	Plaintiff's State of Residency at Filing (or death)	Plaintiff's Citizenship/ Nationality on 9/11/01	9/11 Decedent's Full Name	Plaintiff's Relationship to 9/11 Decedent¹	9/11 Decedent's Citizenship/ Nationality on 9/11/01	Nature of Claim (wrongful death, solatium, personal injury)²
26	John Muldowney	NY	United States	Richard Muldowney	Child	United States	Solatium
27	Constance Muldowney as Personal Representative of the Estate of Kathryn Muldowney	NY	United States	Richard Muldowney	Child (Deceased)	United States	Solatium
28	Thomas F. Owens	NY	United States	Peter Owens	Sibling	United States	Solatium
29	John Owens	NY	United States	Peter Owens	Sibling	United States	Solatium
30	Terence Owens	NY	United States	Peter Owens	Sibling	United States	Solatium
31	Kevin Owens	NY	United States	Peter Owens	Sibling	United States	Solatium
32	Susan G. Rescorla	NJ	United States	Richard C. Rescorla	Spouse	United States	Solatium
33	Susan G. Rescorla	NJ	United States	Richard C. Rescorla	PR	United States	Solatium/ Wrongful Death
34	Trevor S. Rescorla	NJ	United States	Richard C. Rescorla	Child	United States	Solatium
35	Kimberly J. Rescorla	NJ	United States	Richard C. Rescorla	Child	United States	Solatium
36	Andrew Soulas	NJ	United States	Timothy Soulas	Child	United States	Solatium
37	Christopher Soulas	NJ	United States	Timothy Soulas	Child	United States	Solatium
38	Matthew Soulas	NJ	United States	Timothy Soulas	Child	United States	Solatium
39	Timothy Soulas Jr.	NJ	United States	Timothy Soulas	Child	United States	Solatium
40	Katherine Soulas	NJ	United States	Timothy Soulas	Spouse	United States	Solatium
41	Katherine Soulas	NJ	United States	Timothy Soulas	PR	United States	Solatium/ Wrongful Death
42	Katherine Soulas as Natural Guardian of DRS	NJ	United States	Timothy Soulas	Child (Minor)	United States	Solatium
43	Aaron Straub	FL	United States	Edward Straub	Child	United States	Solatium